

**State of Michigan
CIVIL SERVICE COMMISSION
Public Meeting
May 21, 2008**

Present: Bryan J. Waldman, Chairman
 Andrew P. Abood, Commissioner
 Sherry L. McMillan, Commissioner
 Thomas M. Wardrop, Commissioner
 Janet McClelland, Acting State Personnel Director

1. CALL TO ORDER

The meeting of the Civil Service Commission was opened by Chairman Bryan J. Waldman at 10:10 a.m. in Conference Room A, Lower Level, Capitol Commons Center, 400 S. Pine Street, Lansing, Michigan.

A. Approval of Minutes

Chairman Waldman requested a motion to approve the minutes of the March 19, 2008 meeting. On motion duly made and supported, the Commission approved the minutes of the March 19, 2008, meeting.

B. Retirement Resolution

On motion duly made and supported, the Commission adopted the following retirement Resolutions:

Galen Anderson
Josetta Duhart
Rita Engardio
Gloria Hastings
Claudia Miller

2. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

3. INFORMATIONAL REPORTS

A. Director's Report: The Commission received the following report from Acting State Personnel Director, Janet McClelland:

Unclassified Position Report

Since the last report, the following approvals were processed:

Department of Attorney General

1. A request dated April 16, 2008, to serve as Director of External Affairs to the Attorney General. Concurrently, the position of Special Assistant to the Attorney General was abolished. The request was approved effective April 14, 2008.

Department of Human Services

1. A request dated April 16, 2008, to serve as the Special Assistant to the Director. Concurrently, the transitional Chief Deputy Director position that was vacated was abolished in October 2007. The request was approved effective April 20, 2008.

Regulations

Civil Service Commission Rules require that the State Personnel Director report to the Commission on the promulgation of regulations, which are issued to further implement Commission rules.

Regulation 2.03, Leaves of Absence (effective January 13, 2008)

Since the last revision of this regulation in 2002, there were numerous rule amendments affecting leaves of absence. Therefore, this regulation was amended to clarify the administration of the Family and Medical Leave Act (FMLA) leaves, leaves of absence with and without pay and waived rights leaves of absence. This regulation was also reorganized to facilitate the understanding of, and clarify the relationship between rights under the federal FMLA and similar rights granted under the Civil Service Rules and Regulations.

Regulation 5.02, Premium Payment of Overtime, On-Call Compensation, and Callback-Compensation (effective March 23, 2008)

As a result of the Civil Service Commission's approval of rule 5-4.2, Overtime, regulation 5.02 was amended to reflect that overtime payment is made to eligible employees for time worked in excess of 40 hours in a week excluding sick leave.

4. NEW BUSINESS

A. Civil Service Commission Budget – FY 09

Carol Vargovich, of the Budget & Financial Services Division, addressed the Commission regarding the budget proposal for Fiscal Year '09. Ms. Vargovich stated the budget that was presented is a continuation of the current year enacted budget with the exception of the consolidation and centralization of human resources services into the Civil Service Commission. The proposed budget was modeled using the statewide cost allocation plan model as a funding mechanism beginning with Fiscal Year '09. Ms. Vargovich requested Commission approval of Resolution 5A.

On motion duly made and supported, the motion passed.

B. Letter of Understanding between UAW and OSE regarding recall rights for Family Independence Specialists

General Counsel D. Daniel McLellan addressed the Commission on the approval of the Letter of Understanding (LOU) to amend the primary collective bargaining agreement. The LOU permits employees in Family Independence Specialist positions in the Department of Human Services to be placed on Assistance Payment Worker recall lists.

General Counsel McLellan indicated staff reviewed the LOU and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On motion duly made and supported, the motion passed.

C. Letter of Understanding between UAW and OSE regarding parking for employees assigned to the Change Reporting Center

General Counsel McLellan addressed the Commission on the approval of the Letter of Understanding (LOU) to amend the primary collective bargaining agreement. The LOU authorizes free parking for certain employees at the Cadillac Place.

General Counsel McLellan indicated staff reviewed the LOU and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On motion duly made and supported, the motion passed.

D. Letter of Understanding between SEIU Local 517M and OSE regarding employees assigned duties which require a CDL

General Counsel McLellan addressed the Commission on the approval of the Letter of Understanding (LOU) to amend the primary collective bargaining agreement for the Scientific and Engineering Unit. The LOU addresses Commercial Drivers License requirements.

General Counsel McLellan indicated staff reviewed the LOU and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On motion duly made and supported, the motion passed.

E. Approval of Tentative Agreement between MPE and OSE on union security and referenced Letter of Understanding on a Pilot Program on Alternative Work Schedules

General Counsel McLellan addressed the Commission on the amendments to the primary collective bargaining agreement for the Human Services Unit. The parties submitted a corrected Article 4 (Union Security) and a Letter of Understanding regarding a pilot program for alternative work schedules.

General Counsel McLellan indicated staff reviewed Article 4 and the LOU, and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On motion duly made and supported, the motion passed.

F. Approval of Secondary Collective Bargaining Agreements

General Counsel McLellan addressed the Commission on the approval of Secondary Collective Bargaining Agreements reached for the period from May 21, 2008, to December 31, 2010, as follows:

American Federation of State, County, and Municipal Employees Council 25, AFL-CIO (AFSCME) and Corrections.

International Union, United Automobile, Aerospace and Agricultural Implement Workers (UAW) and Agriculture, Civil Rights, Community Health, Corrections, MSHDA, and Treasury.

Michigan State Employees Association (MSEA) Council 25, AFL-CIO (AFSCME) Local 5 (MSEA) and Agriculture, History, Arts and Libraries, Information Technology, Management and Budget, Transportation and Treasury.

Michigan Corrections Organization, Local 526-M SEIU (MCO) and Community Health.

General Counsel McLellan indicated staff reviewed secondary agreements and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On motion duly made and supported, the motion passed.

6. PUBLIC COMMENT

Mr. John Strachan, Michigan Association of Governmental Employees (MAGE), addressed the Commission on three items. The first item was regarding Civil Service Rule 6-8.3 that precludes Office of the State Employer and Civil Service Commission employees from being members of a Limited Recognition Organization (LRO). Mr. Strachan expressed concern regarding human resources employees who were recently transferred to the Civil Service Commission, as a result of Executive Order 2007-30, who are ineligible to belong to a LRO as a result of the rule. He stated that membership in a LRO is voluntary and the LRO offers representation to employees to provide assistance when dealing with workplace issues, adverse employment actions and dealing with the Coordinated Compensation process. Mr. Strachan further stated that the LRO representation is given to the employee who may be adversely impacted; the role of the LRO is not of a bargaining nature and it does not interfere with collective bargaining practice.

Mr. Andre Friedlis, Association of State Employees in Management (ASEM), addressed the Commission in concurrence with MAGE's position regarding the prohibition of LRO membership for employees in the Civil Service Commission and the Office of the State Employer.

Chairman Waldman stated that the Commission would look at the history of the rule on prohibition and proceed as necessary.

The next item addressed by Mr. Strachan to the Commission concerned Labor Relations employees with the Department of Corrections (DOC) who were not transferred to the Civil Service Commission (CSC) as a result of the consolidation of Human Resources under Executive Order 2007-30. Mr. Strachan indicated the employees impacted would have a decrease in job security due to loss of bumping rights as Labor Relations employees in DOC, and they are not able to bump other labor relations employees within the CSC. He indicated that these employees are also denied the opportunity to compete for promotions when positions are posted for agency-only employees within the CSC.

The final item presented by Mr. Strachan to the Commission was in regard to Rule 5-4, Additional Compensation, Overtime, etc. which he addressed at a previous Commission meeting. Mr. Strachan reiterated his opposition to Rule 5-4, and stated since the implementation of the rule, he continues to believe the rule creates disparate treatment among Corrections Shift Supervisors and their subordinate employees. Mr. Strachan asked the Commission to reconsider their position on this rule.

The Commissioners asked CSC staff for further review and analysis regarding the issues brought forth. Based on that review, items will be addressed as deemed necessary.

7. COMMISSION APPEALS

In a closed session conference call on April 23, 2008, the Commission considered 12 recommended decisions of the Employment Relations Board (ERB). In a closed session meeting on May 21, 2008, the Commission considered 7 ERB recommendations. Copies of the review sheets indicating the Commission's actions on these decisions are on file with the Civil Service Commission.

ADJOURNMENT

There being no further items for Commission approval or public comments to be heard, Chairman Waldman adjourned the meeting at 11:17 a.m.

NOTE

Copies of any written statements, reports, or staff proposals which were presented to the Commission may be obtained by contacting the Civil Service Commission, Executive Office, Capitol Commons Center, 400 S. Pine Street, P.O. Box 30002, Lansing, Michigan, 48909, or by telephone at 517-373-3020.

I, Janet McClelland, Acting State Personnel Director, hereby certify that the foregoing are the Minutes of the Civil Service Commission meeting of May 21, 2008.

Acting State Personnel Director